

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALLCO RENEWABLE ENERGY)
LIMITED,)
Plaintiff,)
v.)
MASSACHUSETTS ELECTRIC COMPANY)
D/B/A NATIONAL GRID and) Civil Action No. 1:15-cv-13515-PBS
ANGELA O'CONNOR, JOLETTE)
WESTBROOK and ROBERT HAYDEN, in)
in their official capacity as Commissioners)
of the Massachusetts Department of Public)
Utilities, and JUDITH JUDSON, in her)
Official capacity as Commissioner of the)
Massachusetts Department of Energy Resources,)
Defendants.)

PROPOSED FINAL JUDGMENT

WHEREAS on October 6, 2015, plaintiff Allco Renewable Energy Limited (“Allco”) filed a Complaint against Massachusetts Electric Company, d/b/a National Grid (“National Grid”), Angela O’Connor, Jolette Westbrook, Robert Hayden, and Judith Judson (collectively, the “Massachusetts Defendants”) (ECF Doc. No. 1);

WHEREAS on February 11, 2016, Allco filed a First Amended Complaint (“FAC”) against National Grid and the Massachusetts Defendants (ECF Doc. No. 26);

WHEREAS, in the FAC, Allco asserted Count I (violation of the Dormant Commerce Clause) and Count II (violation of the Federal Power Act and Supremacy Clause) against the Massachusetts Defendants and Count III (claim for damages and declaratory relief) against National Grid;

WHEREAS, on February 18, 2016, National Grid filed a Motion to Dismiss Count III for failure to state a claim (ECF Doc. No. 27);

WHEREAS, on April 20, 2016, the Court held National Grid's Motion to Dismiss in abeyance and allowed Allco to move for summary judgment;

WHEREAS, on May 4, 2016, Allco filed a Motion for Summary Judgment on Count II against the Massachusetts Defendants and Count III against National Grid (ECF Doc. No. 50);

WHEREAS, on September 23, 2016, the Court issued a Memorandum and Order granting National Grid's Motion to Dismiss Count III, denying Allco's Motion for Summary Judgment on Count III, and granting Allco's Motion for Summary Judgment on Count II (ECF Doc. No. 74);

WHEREAS, on October 19, 2016, Allco filed a Motion for Reconsideration of the Court's September 23, 2016 Order granting National Grid's Motion to Dismiss Count III and denying Allco's Motion for Summary Judgment on Count III (ECF Doc. No. 78);

WHEREAS, on January 5, 2017, Allco, with the Consent of the Massachusetts Defendants, withdrew Count I in the FAC without prejudice (ECF Doc. No. 85);

WHEREAS, on January 23, 2017, the Court denied Allco's Motion for Reconsideration of the Court's September 23, 2016 Order (ECF Doc. No. 87);

NOW THEREFORE, it is on the 21 day of February 2017, Ordered as follows:

FINAL JUDGMENT is entered in favor of Allco and against the Massachusetts Defendants on Count II of the FAC;

FINAL JUDGMENT with prejudice is entered in favor of National Grid and against
Allco on Count III of the FAC.



THE HONORABLE PATTI B. SARIS
CHIEF UNITED STATES DISTRICT JUDGE